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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,356	01/23/2002	Fatollah Youssefifar	20272/0700	3388
30678	7590	04/25/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800 1990 M STREET NW WASHINGTON, DC 20036-3425			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/052,356	Applicant(s) YOUSSEFIFAR, FATOLLAH	
	Examiner Aaron M. Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) .
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 11, there is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim clearly indicates that a subcombination is being claimed, e.g., "a coupling". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "a coupling" the corrugated pipe being only functionally recited. This presents no problem as long as the body of the claim also refers to the corrugated pipe functionally, such as, "for attachment to said pipe."

The problem arises when the corrugated pipe is positively recited within the body of the claim, such as, "said pipe." There is an inconsistency within the claim; the preamble indicates subcombination, while in at least one instance in the body of the claim there is a positive recital of structure indicating that the combination of a and a are being claimed. The examiner cannot be sure if applicant's intent is to claim merely the coupling or the coupling in combination with the corrugated pipe.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8, 10 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6349980, Schwarz et al.

In regards to claims 1 and 12, Schwarz et al discloses a coupling for a pipe (2), the coupling comprising:

a housing (3) of a relatively rigid plastics material, the housing having a bore therein;

a retainer (not shown) retaining the pipe within the housing when the pipe is pushed into the housing; and

a layer of a relatively deformable material (7,12) distinct from the retainer on at least a part of both an inner surface and an outer surface of the housing wherein the

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layer on the inner surface deforms against an outside of the pipe to form a sealing engagement.

In regards to claim 3, Schwarz et al discloses the layer on the inner surface providing a tapering surface.

In regards to claim 4, Schwarz et al discloses the retainer being formed integrally with the housing.

In regards to claim 5, Schwarz et al discloses the retainer including at least one resilient catch member adapted to engage a projection on the pipe (col. 3, lines 35-40).

In regards to claim 6, Schwarz et al discloses the pipe having a corrugated external surface, and wherein the catch member is adapted to engage between the corrugations.

In regards to claim 7, Schwarz et al discloses the layer on the outer surface including a part formed on external ledge of the housing to provide a seal with a cooperating member.

In regards to claim 8, Schwarz et al discloses the layer on the outer surface including a part that provides a manual gripping region.

In regards to claim 10, Schwarz et al discloses the deformable material being an elastomeric material.

In regards to claim 13, Schwarz et al discloses a method of forming a coupling comprising the steps of injecting a first material of a relatively hard plastics material to form a housing of the coupling with an integral retainer; and subsequently injecting a second, softer, deformable material to form a layer on the harder material both on an

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inside and outside of the housing, wherein the deformable material is distinct from the integral retainer, and wherein the layer on the inside of the housing surrounds the integral retainer and deforms into sealing engagement with an outside of a pipe when the pipe is pushed into the housing.

In regards to claims 14-16, Schwarz discloses the retainer including at least one resilient catch member.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5799986, Corbett et al.

In regards to claims 1 and 12, Corbett et al discloses a coupling for a pipe (140), the coupling comprising:

a housing (91) of a relatively rigid plastics material, the housing having a bore therein;

a retainer (110) retaining the pipe within the housing when the pipe is pushed into the housing; and

a layer of a relatively deformable material (92) distinct from the retainer on at least a part of both an inner surface and an outer surface of the housing wherein the layer on the inner surface deforms against an outside of the pipe to form a sealing engagement.

In regards to claim 3, Corbett et al discloses the layer on the inner surface providing a tapering surface.

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In regards to claim 4, Corbett et al discloses the retainer being formed integrally with the housing.

In regards to claim 7, Corbett et al discloses the layer on the outer surface including a part formed on external ledge of the housing to provide a seal with a cooperating member.

In regards to claim 8, Corbett et al discloses the layer on the outer surface including a part that provides a manual gripping region.

In regards to claim 9, Corbett et al discloses the layer on the inner and outer surfaces being continuous with one another.

In regards to claim 10, Corbett et al discloses the deformable material being an elastomeric material.

In regards to claim 13, Corbett et al discloses a method of forming a coupling comprising the steps of injecting a first material of a relatively hard plastics material to form a housing of the coupling with an integral retainer; and subsequently injecting a second, softer, deformable material to form a layer on the harder material both on an inside and outside of the housing, wherein the deformable material is distinct from the integral retainer, and wherein the layer on the inside of the housing surrounds the integral retainer and deforms into sealing engagement with an outside of a pipe when the pipe is pushed into the housing.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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